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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 07-00612 JF |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER EXCLUDING TIME FROM |
| v. |) | JANUARY 16, 2008 TO FEBRUARY 13, |
| |) | 2008 FROM THE SPEEDY TRIAL ACT |
| ABEL LAMAS-PACHECO, |) | CALCULATION (18 U.S.C. § |
| |) | 3161(h)(8)(A)) |
| Defendant. |) | |
| |) | |
| |) | |

The parties stipulate that the time between January 16, 2008 and February 13, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: January 16, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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5 /s/
6 BENJAMIN T. KENNEDY
Assistant United States Attorney

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8 /s/
9 LARA VINNARD
Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 16, 2008 and February 13, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JEREMY FOGEL
UNITED STATES DISTRICT JUDGE